

Applicant Initiated Interview Request Form

Application No.: 10/529,162 First Named Applicant: Kenji Yoneda
Examiner: Wilcox, James J. Art Unit: 2169 Status of Application: Final OA

Tentative Participants:

(1) SPE Greta Robinson (2) Ex. James Wilcox
(3) Joe Price (4) _____

Proposed Date of Interview: Aug. 16-25, 2010 Proposed Time: earliest convenience (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims / Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	<u>claim 40</u>	<u>Lys et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	<u>claim 40</u>	<u>Liu et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	<u>claim 40</u>	<u>Copenhaver et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See attached Telephone Interview Request Discussion Topics

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant / Applicant's Representative Signature

Joseph W. Price

Typed/Printed Name of Applicant or Representative

25,124

Registration Number, if applicable

Examiner / SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.**
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RESPONSE UNDER 37 CFR SECTION 1.116
EXPEDITED PROCEDURE - GROUP 2169**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenji Yoneda

Serial No.: 10/529,162

Filed: March 24, 2005

For: INFORMATION PROCESSING
SYSTEM FOR COLLECTING AND
ADMINISTRATING
ENVIRONMENTAL DATA
PERTAINING TO CONDITIONS
THAT PROMOTE GROWTH OR
HEALTH OF LIVING ORGANISMS

Patent Examiner: Wilcox, James J.

Group Art Unit: 2169

Confirmation No.: 2113

August 12, 2010

Costa Mesa, California 92626

TELEPHONE INTERVIEW REQUEST DISCUSSION TOPICS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Please see attached claims and remarks for discussion purposes in a telephone interview:

IN THE CLAIMS:

40. (Currently Amended) A condition data collecting system for promoting a growth
or health of living organisms of a culture comprising:

multiple controlling systems that promote a growth or health of living organisms
~~of a culture~~ by controlling at least a light irradiated on the living organisms ~~culture~~, and an
 5 information processing system that is communicably connected with the controlling systems,
 wherein

the multiple controlling systems includes an environment controlling unit
 including at least a light irradiating unit for providing light of a characteristic to promote growth
 of a specific living organism ~~the culture~~,

10 the information processing system includes

an environmental data receiving part that receives relevant environmental data
 which is data concerning an environment of the living organism ~~culture~~ including data on the
 light for promoting a growth irradiated on the living organism ~~culture~~ from a first controlling
 system;

15 an environmental data administrating part that administers the environmental data
 received by the environmental data receiving part;

an environmental data delivering part that obtains the environmental data
 administered by the environmental data administrating part and delivers the environmental data
 to a second controlling system when the environmental data delivering part receives an
 20 environmental data request signal from the second controlling system;

a royalty data producing part that produces royalty data which is a value to be
 received in return for disclosing the environmental data originally produced by the first

controlling system to the second controlling system, in relationship to a controlling system in
~~relationship to a controlling system~~ identifier that identifies the first controlling system when the

25 environmental data is received or delivered;

a state data receiving part that receives state data including image data of living
organisms and the culture a state of a midstream process;

a state data administrating part that administers the state data received by the state
data receiving part;

30 a state data delivering part that delivers a part or all of the state data administered
by the state data administrating part to the second controlling system; and

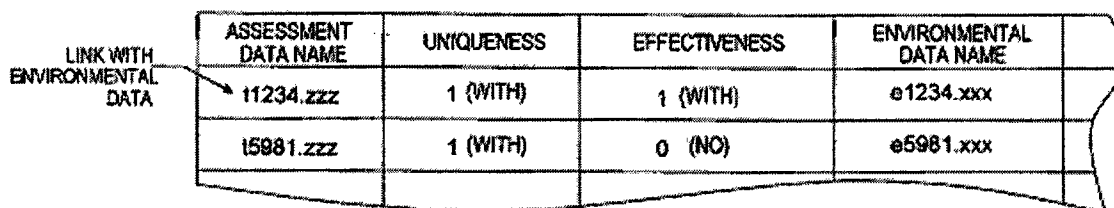
an assessment data obtaining part that obtains the assessment data showing an
assessment of an effectiveness ~~[[or]]~~ and uniqueness of the environmental data administered by
the environmental data administrating part, wherein

35 the royalty data producing part produces the royalty data which is based on a
content of the assessment data obtained by the assessment data obtaining part.

REMARKS

Pursuant to 37 CFR § 1.116(b)(2), applicant submits this Rule 116 Amendment to present an allowable claim previously suggested by Examiner Wilcox in a Telephone Interview Summary of July 15, 2009, copy attached hereto.

Claim 40 has been returned to its previous state of a collection data collecting system for promoting a growth or health of a living organism rather than a culture and consistent with the below Figure 8 of our disclosure and the suggestion of Examiner Wilcox, state data is defined with a definition of an effectiveness and uniqueness in obtaining the assessment data while further the state data includes both image data of living organisms and a state of a midstream process.



The diagram shows a table with five columns and three rows. The first column is labeled 'ASSESSMENT DATA NAME', the second 'UNIQUENESS', the third 'EFFECTIVENESS', and the fourth 'ENVIRONMENTAL DATA NAME'. The fifth column is empty. An arrow labeled 'LINK WITH ENVIRONMENTAL DATA' points to the first row of the table.

ASSESSMENT DATA NAME	UNIQUENESS	EFFECTIVENESS	ENVIRONMENTAL DATA NAME	
11234.zzz	1 (WITH)	1 (WITH)	e1234.xxx	
15981.zzz	1 (WITH)	0 (NO)	e5981.xxx	

FIG.8

Neither Liu et al. nor Copenhaver et al. references resolve the deficiency of the Lys et al. reference relative to a definition of the state data as set forth in Paragraph [0047] and the assessment data as described in Paragraph [0069] as now defined in Claim 40.

In this regard, applicant would further like to bring to the attention of the Examiner that on Page 7 of the Office Action after the July 2009 interview it was acknowledged that the Lys et al. reference did not disclose state data, and did not disclose a state data receiving part that receives state data including image data of a living organism or a state of a midstream process.

The Liu et al. reference only relied upon a method of generating a traceable database to correlate a mutant plant trait with a modified expression of one or more plant genes. The Lys et al. reference taught basically a lighting entertainment system with very minimal mentioning of any plant growth among the many different types of other applications. Neither Lys et al., nor Liu et al. are capable of creating a virtual research team with rewards for providing contributory information to accelerate innovation.

Interview Summary	Application No. 10/529,162	Applicant(s) YONEDA, KENJI	
	Examiner JAMES J. WILCOX	Art Unit 2169	
	<p>All participants (applicant, applicant's representative, PTO personnel):</p> <p>(1) <u>JAMES J. WILCOX.</u> (3) _____</p> <p>(2) <u>Joseph Price (Reg. No: 25,124).</u> (4) _____</p> <p>Date of Interview: <u>15 July 2009.</u></p> <p>Type: a) <input checked="" type="checkbox"/> Telephonic b) <input type="checkbox"/> Video Conference c) <input type="checkbox"/> Personal [copy given to: 1) <input type="checkbox"/> applicant 2) <input type="checkbox"/> applicant's representative]</p> <p>Exhibit shown or demonstration conducted: d) <input type="checkbox"/> Yes e) <input checked="" type="checkbox"/> No. If Yes, brief description: _____</p> <p>Claim(s) discussed: <u>1 on.</u></p> <p>Identification of prior art discussed: <u>Lys et al.</u></p> <p>Agreement with respect to the claims f) <input type="checkbox"/> was reached. g) <input checked="" type="checkbox"/> was not reached. h) <input type="checkbox"/> N/A.</p> <p>Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: <u>Applicant's Representative gave a brief overview of the invention. The Examiner proposed some possible claim amendments such as including that the state data receiving part included an image and state of midstream process and the assessment data comprised the effectiveness and uniqueness of environmental data administered by the environmental data administrating unit to get over the prior art and advance prosecution. No agreement was reached.</u></p> <p>(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)</p> <p>THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.</p>		
/James J Wilcox/ Examiner, Art Unit 2169		/Greta L Robinson/ Primary Examiner, Art Unit 2169	